

STATE OF ILLINOIS

ILLINOIS COMMERCE COMMISSION

XO Illinois, Inc.	:	
	:	
Application for Proprietary	:	01-0122
Treatment for Annual Reports	:	
under Section 5-109 of the Illinois	:	
Public Utilities Act.	:	

ORDER

By the Commission:

On February 6, 2001, XO Illinois, Inc. ("Petitioner") filed a verified petition requesting that the Illinois Commerce Commission ("Commission") enter an order protecting its entire 2000 Annual Report from disclosure for a period of not less than five years.

The petition states that Petitioner is certificated by the Commission to provide local exchange and interexchange telecommunications services in Illinois. It indicates that Petitioner's Annual Report contains financial and other information that is proprietary and confidential. The petition further states that it is imperative that public disclosure of the proprietary information contained in Petitioner's 2000 Annual Report be avoided for a period of at least five years in order to prevent competitive harm to Petitioner.

The Commission, having considered the entire record herein and being fully advised in the premises, is of the opinion and finds that:

- (1) XO Illinois, Inc. is a telecommunications carrier within the meaning of Section 13-202 of the Public Utilities Act ("Act") which provides competitive telecommunications service as defined in Section 13-209 of the Act;
- (2) the Commission has jurisdiction over Petitioner and the subject matter of this petition;
- (3) the recitals of fact set forth in the prefatory portion of this order are supported by the record and are hereby adopted as findings of fact;

- (4) Section 5-109 of the Act states, in relevant part:

All reports made to the Commission by any public utility and the contents thereof shall be open to public inspection, unless otherwise ordered by the Commission;

- (5) Section 7(g) of the Illinois Freedom of Information Act (5 ILCS 140/7(g)) exempts from disclosure:

Trade secrets and commercial or financial information obtained from a person or business where such trade secrets or information are proprietary, privileged or confidential, or where disclosure of such trade secrets or information may cause competitive harm;

- (6) the verified petition states that Petitioner's 2000 Annual Report falls within the exemption stated in Finding (5);
- (7) Petitioner's 2000 Annual Report should be exempt from public disclosure under Section 7(g) of the Illinois Freedom of Information Act and Section 5-109 of the Public Utilities Act for a period of five (5) years from the date of this order;
- (8) Petitioner should submit with its 2000 Annual Report a cover letter indicating that proprietary treatment was granted in this Docket and identifying the date on which this Order was entered.

IT IS THEREFORE ORDERED that the 2000 Annual Report filed by XO Illinois, Inc. is afforded proprietary treatment and is exempt from public disclosure and will be accessible only by the Commission and the Commission Staff for a period of five (5) years from the date of this order.

IT IS FURTHER ORDERED that a cover letter shall be submitted with the 2000 Annual Report filed by Petitioner indicating that proprietary treatment was granted in this Docket and identifying the date on which the Order was entered.

IT IS FURTHER ORDERED that the Commission retains jurisdiction over Petitioner and the subject matter hereof for the purpose of issuing such further order or orders as it may deem necessary.

IT IS FURTHER ORDERED that subject to the provisions of Section 10-113 of the Public Utilities Act and 83 Ill. Adm. Code 200.880, this Order is final; it is not subject to the Administrative Review Law.

By order of the Commission this 7th day of March, 2001.

Chairman